

Notice of Allowability

Application No.

09/896,859

Examiner

Mitra Aryanpour

Applicant(s)

GREENWOOD, WILLIAM RONALD

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3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Response dated 04 October 2004 and the Phone Interview dated 26 October 2004.
2. ☒ The allowed claim(s) is/are 1,3,6-14,16-23 and 29-31.
3. ☒ The drawings filed on 29 June 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jo Katherine D'Ambrosio on 26 October 2004.

The application has been amended as follows:

In The Claims:

Please cancel claims 2, 4, 5, 15, 24, 25, 26, 27 and 28.

In claim 1, line 2, deleted all lines (lines 2-6), and inserted the following after "comprising", -- : a dummy horse having a right side and a left side, two movable-surfaces for receiving a ball in play, one of said movable surfaces located adjacent to and below the right side of the dummy horse and the other of said movable surfaces located adjacent to and below the left side of the dummy horse, and an enclosure comprising four upwardly inclined walls, including a front wall, a back wall and two side walls, the walls positioned immediately, laterally and outwardly of the movable surfaces, the inclined surfaces angled to rise above the movable surfaces so as to return a hit ball to the movable surface, the enclosure further comprising a cage means positioned above the inclined walls.--

In claim 3, line 2, "at least one ball-receiving is" has been deleted before "displaceable"; and --movable surfaces are-- has been inserted before "displaceable".

In claim 6, line 2, "ball receiving surface comprise" has been deleted, and --movable

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surfaces each comprises-- has been inserted after "wherein the".

In claim 14, line 2, "two or more inclined surfaces adjacent to the ball-receiving surface" has been deleted, and --wherein the four upwardly inclined surfaces are at oblique angles to the ball receiving surface-- has been inserted after "wherein the".

In claim 16, line 1, "15" has been changed to --1--.

In claim 17, line 3, delete all lines (lines 2-5), and insert the following after "comprising",
-- : a dummy horse having a substantially rigid frame and a body portion pivotally mounted on the frame; a means for displacing the body portion both in a reciprocating motion and a pivotal motion pivoting the body portion from side to side; a pivotally mounted neck portion extending from the pivotally mounted body portion and a pivotally mounted head extending from the neck portion; the frame surrounded by an enclosure, the enclosure comprising four upwardly inclined walls, a front wall, a back wall and two side walls, the inclined surfaces angled so as to return a hit ball, the enclosure further comprising a cage means positioned above the inclined walls.--

In claim 29, line 2, "28" has been changed to --17--.

In claim 30, line 2, "21" has been changed to --17--.

NOTE: The above changes have been made to overcome informalities, in order to put this application in condition for allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Aryanpour whose telephone number is 703-308-3550. The examiner can normally be reached on Monday - Friday 9:00 to 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MA
28 October 2004



MITRA ARYANPOUR
PATENT EXAMINER



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